

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
Montgomery Division**

DONALD FRANKS,

Plaintiff,

v.

**Civil Action No.
2:07-cv-352-MEF**

UNIFUND CCR PARTNERS,

Defendant.

MOTION FOR PARTIAL SUMMARY JUDGMENT

The plaintiff, by counsel, hereby moves this Court, under the provisions of Rule 56 of the Federal Rules of Civil Procedure, for summary judgment in his favor as to the issue of liability in the above-entitled action. In support of this motion, the plaintiff states that, with regard to the issue of liability under the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq., there is no genuine issue as to any material fact and that the plaintiff is entitled to a judgment as a matter of law. Rule 56(c).

In support of this motion, the plaintiff submits the accompanying Memorandum in Support, the Declarations of the plaintiff, Donald Franks; Douglas C. Freeman, Esq.; and Edward M. Wayland and supporting Exhibits 1-12.

Respectfully submitted,

DONALD FRANKS
Plaintiff
By Counsel

s/ Edward M. Wayland

Edward M. Wayland, Esq.

AOC # WAY004

P.O. Box 17

Montgomery, AL 36101

(334) 834-9901

(334) 264-8742 (fax)

e-mail: edwayland@yahoo.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2007, I filed true copies of the foregoing Motion for Summary Judgment and the supporting declarations and exhibits referred to above with the Court using the CM/ECF electronic filing system, which will automatically forward a copy to counsel for the defendant.

s/ Edward M. Wayland

Edward M. Wayland

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
Montgomery Division**

DONALD FRANKS,
Plaintiff,

v.

**Civil Action No.
2:07-cv-352-MEF**

UNIFUND CCR PARTNERS,
Defendant.

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT: EXHIBIT LIST

Declaration of Donald Franks
Declaration of Douglas C. Freeman
Declaration of Edward M. Wayland

1. Complaint, Unifund v. Donald Q Franks (Montgomery County District Court, Case No. DV-2006-2075).
2. Affidavit in Support of Complaint executed by Angela Freckman, April 21, 2006.
3. Answer in District Court lawsuit, July 18, 2007.
4. Letter from Unifund to Mr. Franks with enclosure, July 19, 2007.
- 5-A. Page 5 of Equifax credit report for Mr. Franks, January 6, 2007.
- 5-B. Page 6 of Experian credit report for Mr. Franks, January 5, 2007.
- 5-C. Page 3 of Trans Union credit report for Mr. Franks, January 5, 2007.
6. Interrogatories to Unifund in the District Court lawsuit, November 6, 2006.
7. Request for Production of Documents to Unifund in the District Court lawsuit, November 6, 2007.
8. Letter from Edward M. Wayland, Esq. to Wendy Z. Johnston, Esq., January 10, 2007.
9. Letter from Wendy Z. Johnston, Esq. to Edward M. Wayland, Esq., January 18, 2007.
10. Order Dismissing District Court lawsuit with prejudice, January 31, 2007.
11. Defendant Unifund's Rule 26(a) Disclosures.
12. Defendant Unifund's Answers to Plaintiff's Interrogatories (excerpts), August 15, 2007.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
Montgomery Division**

DONALD FRANKS,

Plaintiff,

v.

**Civil Action No.
2:07-cv-352-MEF**

UNIFUND CCR PARTNERS,

Defendant.

DECLARATION OF DONALD FRANKS

I, DONALD FRANKS, state the following to be true and correct:

1. I am the plaintiff in the above-entitled action.
2. On or about July 11, 2006, I received a copy of a lawsuit brought against me by Unifund in the Montgomery County District Court. The lawsuit claimed that I owed Unifund money because of an unpaid credit card account. A true copy of the Complaint I received is submitted as Exhibit 1. (Some of the exhibits which are submitted in support of my motion for summary judgment and which I describe as true copies have certain personal information redacted. These exhibits are true copies of the originals, except for the fact that this information is not redacted from the originals.)
3. I do not owe Unifund the money they claimed.
4. I did not know anything about the credit card account involved. I had not applied for such a credit card, I had never received or used the credit card, I had not received any statements on this account, and I had not made any payments on this account.
5. I have never gone by the name of "Donald Q. Franks", which is the name Unifund

used in the lawsuit. I have sometimes been known under the nickname "Q", but I have never used "Donald Q. Franks" as my name for any purpose, including any business purpose.

6. I believe it is possible that my ex-wife set up this credit card account, although I do not know that to be the case. If she did that, she concealed that fact from me.

7. The document submitted as Exhibit 3 is a true copy of the Answer I filed denying responsibility for this credit card account.

8. The document submitted as Exhibit 4 is a true copy of a letter I received from Zarzour & Schwartz, P.C. dated July 19, 2006. This letter states that it is providing documentation of the credit card debt in response to a request from me.

9. The documents submitted as Exhibits 5-A, 5-B and 5-C are true copies of pages from credit reports I received from the three national credit reporting agencies, as follows:

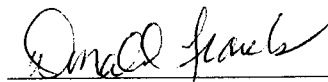
Exhibit 5-A: Page 5 of my Equifax credit report, dated January 6, 2006;

Exhibit 5-B: Page 6 of my Experian credit report, dated January 5, 2006; and

Exhibit 5-C: Page 3 of my Trans Union credit report, dated January 5, 2006.

I state under penalty of perjury that the statements given above are true and correct.

October 29, 2007.

A handwritten signature in cursive script, appearing to read "Donald Franks", written in black ink.

Donald Franks

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
Montgomery Division**

DONALD FRANKS,

Plaintiff,

v.

**Civil Action No.
2:07-cv-352-MEF**

UNIFUND CCR PARTNERS,

Defendant.

DECLARATION OF DOUGLAS C. FREEMAN

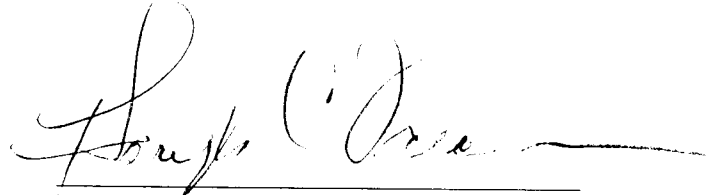
I, DOUGLAS C. FREEMAN, state the following to be true and correct:

1. I am an attorney admitted to practice in the courts of the State of Alabama.
2. I represented Donald Franks in the case filed against him by Unifund CCR Partners in May, 2006 in the District Court for Montgomery County, Alabama (Case No. DV-2006-2075).
3. On November 6, 2006, as part of my representation of Mr. Franks in this case, I served, by mail, interrogatories and a request for the production of documents on Wendy Z. Johnston, Esq., counsel for Unifund. I have reviewed the documents being submitted as Exhibit 6 (interrogatories) and Exhibit 7 (request for production of documents) and they are true copies of the discovery requests I served on Ms. Johnston.
4. No responses to these discovery requests were ever served by Unifund during the time I worked on this case.
5. In December, 2006, I withdrew from representing Mr. Franks, because I left my practice to take a job as clerk to the Honorable Tracey McCooey, Montgomery County Circuit Judge. I referred Mr. Franks to another local attorney, Edward M. Wayland, Esq., and it is my

understanding that Mr. Wayland represented Mr. Franks to the conclusion of the Unifund lawsuit.

I state under penalty of perjury that the statements given above are true and correct.

October 31, 2007.

A handwritten signature in cursive script, appearing to read "Doug Freeman", written over a horizontal line.

Douglas C. Freeman

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
Montgomery Division**

DONALD FRANKS,

Plaintiff,

v.

**Civil Action No.
2:07-cv-352-MEF**

UNIFUND CCR PARTNERS,

Defendant.

DECLARATION OF EDWARD M. WAYLAND

I, EDWARD M. WAYLAND, state the following to be true and correct:

1. I am an attorney admitted to practice in the courts of the State of Alabama.
2. I represented Donald Franks in the case filed against him by Unifund CCR Partners in May, 2006 in the District Court for Montgomery County, Alabama (Case No. DV-2006-2075). This case was referred to me by Douglas C. Freeman, Esq., who had been acting as counsel for Mr. Franks, and I filed my notice of appearance in early January, 2007.
3. On January 4, 2007, I sent a letter to Wendy Z. Johnston, Esq., counsel for Unifund in the District Court case. I informed Ms. Johnston that I would be representing Mr. Franks, and I asked her to call me concerning the outstanding discovery requests which had not been answered. On January 5, 2007, Ms. Johnston called me and explained that she had not been able to respond to the discovery, because the documents and information necessary to do so were in the possession of Providian Bank, the original creditor. She informed me that Unifund did not have the documents and information, but that they had been trying to get them. On January 10, 2007, I wrote a letter to Ms. Johnston in which I summarized parts of this conversation. A true

copy of that letter is submitted as Exhibit 8 in support of the plaintiff's motion for partial summary judgment.

4. I later received a letter from Ms. Johnston, dated January 18, 2007, in which she advised me that she had still been unable to obtain the documents and information and that as a result she would be asking the court to dismiss Unifund's case with prejudice. A true copy of this letter is submitted as Exhibit 9.

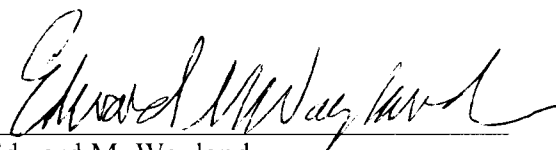
5. On January 31, 2007, the judge of the Montgomery County District Court entered an order dismissing Unifund's case, with prejudice. A true copy of Unifund's motion, with the judge's order entered at the bottom, is submitted as Exhibit 10.

6. The document submitted as Exhibit 11 is a true copy of Unifund's Rule 26(a) initial disclosures in this matter.

7. The document submitted as Exhibit 12 is a true copy of certain interrogatory answers served on me, as counsel for Mr. Franks, by Unifund in this matter in response to interrogatories I served on Unifund in this matter under Rule 33 of the Federal Rules of Civil Procedure.

I state under penalty of perjury that the statements given above are true and correct.

November 2, 2007.


Edward M. Wayland

STATEMENT OF CLAIM

In The DISTRICT COURT of MONTGOMERY COUNTY, Alabama

Plaintiff Unifund CCR Partners
Address 10625 Techwoods Circle
Cincinnati, OH 45242

Defendant Donald Q Franks
Address 4223 Matterhorn Ct
Montgomery, Alabama 36116

Attorney Zarzaur & Schwartz, PC
Post Office Box 11366
Birmingham, AL 35202
205/250-8437

Additional
Defendant
Address

Additional
Defendant
Address

NOTICE TO EACH DEFENDANT READ CAREFULLY

YOU ARE BEING SUED IN THE ABOVE COURT BY
THE PLAINTIFF(S) SHOWN ABOVE. THE JUDGE
HAS NOT YET MADE ANY DECISION IN THIS
CASE, AND YOU HAVE THE RIGHT TO A TRIAL TO
TELL YOUR SIDE.

HOWEVER, IF YOU, OR YOUR LAWYER, FAIL TO ANSWER THIS COMPLAINT WITHIN **14** DAYS AFTER YOU
RECEIVE THESE PAPERS, A JUDGMENT CAN BE TAKEN AGAINST YOU. ONCE A JUDGMENT HAS BEEN
ENTERED AGAINST YOU, YOUR PAYCHECK CAN BE GARNISHED AND/OR YOUR HOME OR PROPERTY SOLD
TO SATISFY THAT JUDGMENT

COMPLAINT COUNT I

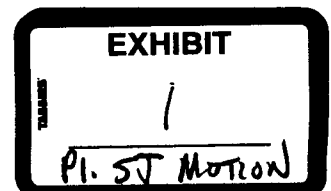
I. I claim that the defendant Donald Q Franks owes the plaintiff the sum of \$4,652.99 because:
ACCOUNT STATED, plus \$ 22.94 for interest TOTAL \$ 4,675.93

Wherefore, Plaintiff claims the sum of \$ 4,675.93 from each defendant plus court costs.

**VERIFICATION OF THE DEBT, THE NAME AND ADDRESS OF YOUR ORIGINAL CREDITOR, IF
DIFFERENT FROM ABOVE, WILL BE PROVIDED TO YOU IN WRITING IF REQUESTED. THE
DEBT WILL OTHERWISE BE CONSIDERED VALID. THE DEBT COLLECTOR IS ATTEMPTING
TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT
PURPOSE.**

Clerk BY: _____
CLERK District Court of MONTGOMERY County
ADDRESS: Montgomery County Courthouse
Montgomery Co. Courthouse
251 South Lawrence Street
Montgomery, AL 36104

Wendy Z. Johnston (ZAR004)
PHONE NO. 205/250-8437



STATE OF Ohio

COUNTY OF Hamilton

AFFIDAVIT IN SUPPORT OF COMPLAINT

BEFORE ME, the undersigned Notary Public, authorized by law to administer oaths, personally appeared the undersigned who, after being first duly sworn, says:

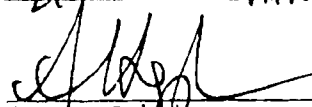
1. I am the authorized agent of Unifund CCR Partners which is a corporation organized and existing under the laws of the State of Ohio.
2. Affiant is at least 18 years of age and competent to testify. Affiant has personal knowledge of the facts set forth herein.
3. There is justly due and owing by the Defendant(s), Donald Q Franks, account number 4031140400908090, to the Plaintiff the sum of 4,652.99 and interest.
4. That the Defendant(s) used or authorized use of a credit card for the purchases of goods and/or services and/or cash advances which use bound the Defendant(s) to the credit card terms and conditions.
5. That the Plaintiff has credited any payments received from the Defendant(s) on this account to the balance owed, and the amounts above stated reflect any payments made to date.
6. Plaintiff and/or its predecessor(s) in interest stated an account to Defendant(s) by sending monthly statements to the Defendant(s), thereby constituting a written account stated.
7. Affiant has personal knowledge of the mailing procedures of UNIFUND CCR PARTNERS, and testifies that the statement(s) sent to the Defendant(s) were properly addressed and mailed to the Defendant(s) with sufficient postage, and not returned.
8. That the Plaintiff keeps regular books of account and that the keeping of said books of account is in the charge of/or under the supervision of the affiant. The entries in said books of account are made in the ordinary course of business.
9. To the best of my knowledge the Defendant(s) is/are not now in the military service, as defined in the Soldier's and Sailor's Civil Relief Act of 1940 with amendments, nor has been in such service within thirty days hereof.

I do solemnly declare and affirm under the penalties of perjury that the matters set forth above are true and correct to the best of my knowledge.


AFFIANT

Angela Freckman

Sworn to and subscribed to before me this
21 day of APRIL, 2006


Notary Public

Acct No: 4031140400908090
 FWD File: 4031140400908090
 Z&S File: 06-11390-0

AF2

EXHIBIT

PAGE

OF

EXHIBIT

2

Pl. SJ Motion

IN THE DISTRICT COURT OF
MONTGOMERY COUNTY, ALABAMA
CIVIL DIVISION

UNIFUND CCR PARTNERS
PLAINTIFF

V.

DONALD Q FRANKS
DEFENDANT

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CASE NO. DV-2006-2075

ANSWER

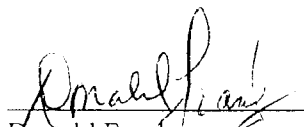
COMES NOW the Defendant, in his own proper person, and for answer says as follows:

1. The Defendant denies each and every allegation contained in Count 1, and demands strict proof thereof.

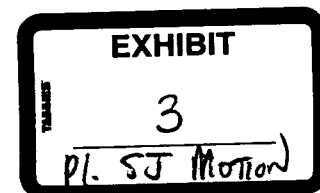
2. The Defendant demands verification of the debt, the name and address of the original creditor. This request is made pursuant to an addendum contained on the "Statement of Claim" in the above style cause. The Defendant denies owing the Plaintiff or its original creditor any sum whatsoever.

3. The Defendant specifically reserves the right to amend this Answer upon receipt of the information request in paragraph 2 of this Answer, and further specifically reserves the right to file any and all counterclaims and/or the right to join other parties proper in this lawsuit.

Respectfully submitted on this the 18th day of July, 2006.

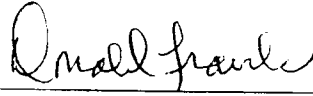


Donald Franks
Defendant/Pro Se
4223 Matterhorn Ct
Montgomery, AL 36116
(334) 354-8320



CERTIFICATE OF SERVICE

I have served copies of the foregoing by depositing same in the United States Mail, postage prepaid, on Hon. Wendy Z. Johnston, the Plaintiff's attorney, addressed as follows: Zarzaur & Schwartz, PC, P.O. Box 11366, Birmingham, AL 35202 on this the 18 day of July, 2006.

A handwritten signature in cursive script, appearing to read "Donald Franks", written over a horizontal line.

Donald Franks
Defendant/Pro Se



July 19, 2006

Donald Q Franks
4223 Matterhorn Ct
Montgomery, AL 36116

RE: UNIFUND CCR PARTNERS
vs
DONALD Q FRANKS
Our File No: 06-11390-0 TM1
Amount Due: \$4,877.93

Dear Mr. Franks:

In response to your request for documentation, attached is a copy of a statement showing our client is Unifund CCR Partners. This account originated with Provident National Bank and was for a Visa card. The original account number for this debt is 4031140400908090.

The debt collector is attempting to collect a debt and any information obtained will be used for that purpose. Your immediate attention to this matter will be appreciated.

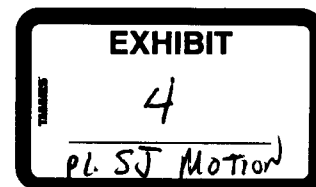
Sincerely,

Zarzaur & Schwartz, P.C.

A handwritten signature in cursive script, reading 'Cynthia B. McCarty'.

Cynthia B. McCarty
Client Services Representative

CBM/



THE DEBT COLLECTOR IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.

P.O. Box 11366 • Birmingham, Alabama 35202-1366

2209 Morris Avenue • Birmingham, Alabama 35203 • 205/250-8437 • FAX 205/328-1958 • 1-800/401-6789

646

ACCOUNT NUMBER	BALANCE AS OF	PAYMENT DUE DATE	MINIMUM PAYMENT	PAYMENT ENCLOSED
4031140400908090	04/14/2006 4,652.99	PAST DUE	4,652.99	\$

Make Checks Payable To Unifund

UNIFUND STATEMENT

DONALD Q FRANKS
4223 MATTERHORN CT
MONTGOMERY AL 36116

MESSAGE FROM UNIFUND

YOUR ACCOUNT IS PAST DUE \$4,652.99. THE PAST DUE AMOUNT IS INCLUDED IN THE MINIMUM PAYMENT. PLEASE REMIT IMMEDIATELY. IF YOU HAVE ALREADY SENT A PAYMENT FOR THE ABOVE AMOUNT, THANK YOU.

TRANSACTIONS:

Date	Transaction	IR	Balance	Due	Payments	New Balance
04/14/2006	Providian National Bank's Account Was Issued Under The Name Of Providian National Bank.	0.0000	1,652.99	4,652.99	0	4,652.99

File Copy

PROMPT CREDITING OF PAYMENTS. TO RECEIVE CREDIT FOR PAYMENTS AS OF THE DATE OF RECEIPT, WE MUST RECEIVE YOUR CHECK OR MONEY ORDER AT:

UNIFUND
10623 TECHWOODS CIRCLE
CINCINNATI, OH 45242

PAYMENTS RECEIVED AT THE ABOVE ADDRESS IN THE MANNER SPECIFIED AFTER THAT TIME WILL BE CREDITED TO YOUR ACCOUNT AS OF OUR NEXT BUSINESS DAY. THE CREDITING TO YOUR ACCOUNT OF PAYMENTS RECEIVED AT ANY LOCATION OTHER THAN THE ABOVE ADDRESS MAY BE DELAYED UP TO 5 DAYS OF RECEIPT.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR. FEDERAL LAW REQUIRES US TO INFORM YOU THAT THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

06.11390

EXHIBIT

S-A

Pl. ST Motion

Homecoming Financial Network PO Box 890036 Dallas TX 75389-0036 : (800) 206-2901

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mnths Revd	Activity Description	Creditor Classification
11/2004	03/2001	\$61,200		30 Years	Monthly	35	Paid and Closed	
Items As of Balance	Date Reported	Amount	Scheduled Payment Amount	Date of Last Activity	Charge Off Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Date
11/2004	10/2004	\$0	\$712	10/2004				

Current Status - Pays As Agreed; Type of Account - Mortgage; Type of Loan - Conventional Re Mortgage; Whose Account - Shared, But Otherwise Undesignated;

Military Star 3911 S Walton Walker Blvd Dallas TX 75236-1509

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mnths Revd	Activity Description	Creditor Classification
12/2006	06/1993	\$5,880	\$8,000			99		
Items As of Balance	Date Reported	Amount	Scheduled Payment Amount	Date of Last Activity	Charge Off Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Date
12/2006	12/2006	\$5,825	\$158	12/2006				

Current Status - Pays As Agreed; Type of Account - Revolving; Whose Account - Individual Account; ADDITIONAL INFORMATION - Reaffirmation of Debt;

Motors Acceptance Corp. 613th St Columbus GA 31901-2151

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mnths Revd	Activity Description	Creditor Classification
10/2006	07/2003	\$14,332		42 Months	Monthly	39		
Items As of Balance	Date Reported	Amount	Scheduled Payment Amount	Date of Last Activity	Charge Off Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Date
10/2006	10/2006	\$1,014	\$341	10/2006				

Current Status - Pays As Agreed; Type of Account - Installment; Type of Loan - Installment Loan; Whose Account - Individual Account;

Pentagon Federal Credit Union PO Box 1432 Alexandria VA 22313-1432

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mnths Revd	Activity Description	Creditor Classification
11/2006	04/1992	\$0	\$4,000			99	Paid and Closed	
Items As of Balance	Date Reported	Amount	Scheduled Payment Amount	Date of Last Activity	Charge Off Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Date
11/2006	10/2006	\$0		03/2002				

Current Status - Pays As Agreed; Type of Account - Revolving; Type of Loan - Check Credit/Line Of Credit; Whose Account - Individual Account; ADDITIONAL INFORMATION - Account Closed At Consumers Request;

Provident Financial BOX 650509 DALLAS TX 75266-0509

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mnths Revd	Activity Description	Creditor Classification
403114040090*	10/1999	\$2,679					Transfer/Sold	
Items As of Balance	Date Reported	Amount	Scheduled Payment Amount	Date of Last Activity	Charge Off Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Date
07/2004		\$0	\$100	07/2000				

Current Status - Charge Off; Type of Account - Revolving; Whose Account - Individual Account; ADDITIONAL INFORMATION - Charged Off Account; Account Transferred or Sold;

Account History 03/2001 02/2001 01/2001 12/2000 11/2000 10/2000

With Status Codes 4 4 4 3 2 1

Unitfund 10625 Techwood Cir Cincinnati OH 45242-2846 : (888) 384-8134

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mnths Revd	Activity Description	Creditor Classification
PROVI-3114040090*		\$3,450						
Items As of Balance	Date Reported	Amount	Scheduled Payment Amount	Date of Last Activity	Charge Off Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Date
12/2006		\$4,842		09/2000				

Current Status - Collection Account; Type of Account - Open; Type of Loan - Factoring Company Account; Whose Account - Individual Account; ADDITIONAL INFORMATION - Collection Account;

Inquiries that display to companies (may impact your credit score)

This section lists companies that requested your credit file. Credit grantors may view these requests when evaluating your credit worthiness. Employment inquiries do not impact your credit score.

Company Information

Inquiry Date(s)

Continued On Next Page)

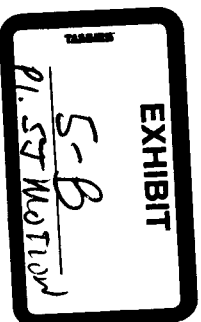
Potentially negative items or items for further review continued

PROVIDIAN FINANCIAL	Date opened	Date of status	Type	Responsibility	Credit limit or original amount	Recent balance	Status: Transferred, closed/Account charged off, \$3,450 written off.
PO BOX 9180 PLEASANTON CA 94566 (800) 356-0011	Oct 1999	Jul 2002	Revolving	Individual	\$2,679	NA	Account history: Charge Off as of Jul 2002, May 2002, Apr 2002, Mar 2002, Feb 2002, Jan 2002, Dec 2001, Nov 2001, Oct 2001, Sep 2001, Aug 2001, Jul 2001, Jun 2001, May 2001, Apr 2001, Mar 2001
Partial account number 403114040090....	Reported since Oct 1999	Last reported Jul 2002	Terms NA		High balance \$3,450		180 days as of Mar 2001 150 days as of Feb 2001 120 days as of Jan 2001 90 days as of Dec 2000 60 days as of Nov 2000 30 days as of Oct 2000

Creditor's statement: "Account closed at credit grantor's request."

UNIFUND	Date opened	Date of status	Type	Responsibility	Credit limit or original amount	Recent balance	Status: Collection account, \$4,842 past due as of Dec 2006.
10625 TECHWOODS CIRCLE CINCINNATI OH 45242	Jun 2002	Jun 2002	Installment	Individual	\$3,450	Dec 2006	Account history: Collection as of May 2006 to Dec 2006, Jun 2002
Partial account number 403114040090....	Reported since Jun 2002	Last reported Dec 2006	Terms 1 Months		High balance NA		This account is scheduled to continue on record until Jun 2007.

Original creditor: PROVIDIAN NATIONAL BANK





TransUnion

File Number: 166312345
Page: 3 of 6
Date Issued: 01/05/2007

NCO FINANCIAL

PO BOX 41466
PHILADELPHIA, PA 19101
(800) 709-8613

Balance: \$433
Date Updated: 12/2006
Original Amount: \$433
Original Creditor: 10 BELL SOUTH TELCO AL
Past Due: >\$433<

Pay Status: >COLLECTION ACCOUNT<
Account Type: OPEN ACCOUNT
Responsibility: INDIVIDUAL ACCOUNT

Loan Type: COLLECTION AGENCY/ATTORNEY
Remarks: >PLACED FOR COLLECTION<
Date placed for collection: 01/2005
Estimated date that this item will be removed: 10/2009

PRIMUS FINANCIAL SERVICE

PO BOX 680020
FRANKLIN, TN 37068
Phone number not available

Balance: \$0
Date Updated: 04/2002
High Balance: \$19,447
Terms: 60 MONTHLY \$324

Pay Status: >REPOSSESSION<
Account Type: INSTALLMENT ACCOUNT
Responsibility: JOINT ACCOUNT
Date Open: 05/1994
Date Closed: 04/2002

Loan Type: AUTOMOBILE
Remarks: >REPOSSESSION<
Estimated date that this item will be removed: 05/2008

PROVIDIAN #4031140400908090

POB 9007
PLEASANTON, CA 94566-4122
Phone number not available

Balance: \$0
Date Updated: 07/2002
High Balance: \$3,450
Credit Limit: \$2,700

Pay Status: >CHARGED OFF AS BAD DEBT<
Account Type: REVOLVING ACCOUNT
Responsibility: INDIVIDUAL ACCOUNT
Date Open: 10/1999
Date Closed: 03/2001

Loan Type: CREDIT CARD
Remarks: PURCHASED BY ANOTHER LENDER
Estimated date that this item will be removed: 06/2007

UNIFUND CCR PARTNERS #4031140400908090

10625 TECHWOOD CIR
CINCINNATI, OH 45242-2846
(888) 384-8134

Balance: \$4,842
Date Updated: 12/2006
High Balance: \$3,450
Collateral: PROVIDIAN NATIONAL BANK
Past Due: >\$4,842<

Pay Status: >COLLECTION ACCOUNT<
Account Type: OPEN ACCOUNT
Responsibility: INDIVIDUAL ACCOUNT
Date Open: 06/2002
Date Closed: 07/2002

Loan Type: FACTORING COMPANY ACCOUNT
Remarks: >PLACED FOR COLLECTION<
Estimated date that this item will be removed: 06/2007

Satisfactory Accounts

The following accounts are reported with no adverse information. (Note: The account # may be scrambled by the creditor for your protection).

ACCREDITED HOME LENDERS

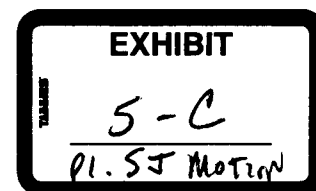
16550 WEST BERNARDO DR
BLDG 1
SAN DIEGO, CA 92127
(877) 683-4466

Balance: \$0
Date Updated: 02/2005
High Balance: \$67,500
Terms: 360 MONTHLY \$594

Pay Status: PAID OR PAYING AS AGREED
Account Type: MORTGAGE ACCOUNT
Responsibility: INDIVIDUAL ACCOUNT
Date Opened: 09/2004
Date Closed: 02/2005

Loan Type: CONVENTIONAL REAL ESTATE MTG
Remarks: PURCHASED BY ANOTHER LENDER

Late Payments (04 months)	30	60	90+	Last 4 months	OK '05	OK dec	OK nov	OK oct
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To dispute online go to: <http://transunion.com/disputeonline>

**IN THE DISTRICT COURT OF
MONTGOMERY COUNTY, ALABAMA
CIVIL DIVISION**

**UNIFUND CCR PARTNERS
PLAINTIFF**

V.

**DONALD FRANKS
DEFENDANT**

V.

**MARCHANDA LEE FRANKS
THIRD PARTY DEFENDANT**

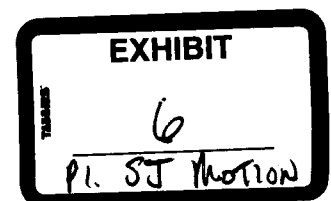
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CASE NO. DV-2006-2075

**DEFENDANT'S FIRST SET OF INTERROGATORIES
TO PLAINTIFF**

COMES NOW the Defendant, Donald Q. Franks, by and through counsel, and propounds interrogatories to the Plaintiff, as follows:

1. State the complete name, address and telephone number of the person or entity to whom you contend Donald Q. Franks is indebted to pursuant to the allegations contained in your Complaint filed in this action.
2. State whether or not you are an agent or assignee of the original creditor to whom you assert that Donald Q. Franks is indebted to you pursuant to the allegations contained in your Complaint filed in this action.
3. If you are an assignee or agent or have any contractual relationship with the original creditor, please state the name, address, and telephone number of the original creditor.
5. Please state what goods or services did Donald Q. Franks obtain or receive that constitutes the basis or contention that Donald Q. Franks is indebted to you, your principal or



assignor.

6. Please state the date or dates when Donald Q. Franks entered into any contract or agreement of any kind with you, your principal, or assignor for any reason whatsoever.

7. What was the subject matter of the contract or contracts or agreement or agreements that exist or existed between you, your principal, or assignor and Donald Q. Franks.

8. Please state the date or dates that Donald Q. Franks had any transaction with you, your principal, or assignor that you contend obligated Donald Q. Franks for any indebtedness.

9. Please state whether there are any witnesses that you intend to call at the trial of this case now set for January 29, 2007.

10. Please summarize briefly the nature of the testimony that you intend to elicit from any of the witnesses listed in paragraph 9 of these interrogatories.

11. Please state the precise method or transaction that you contend that Donald Q. Franks entered into with you, your principal, or assignor that obligates or obligated Donald Q. Franks to pay you, your principal, or assignor any sum of money. For example, was it a writing that formed the basis of the contract, an oral agreement, or other method.

12. Were there any witnesses to the transaction or act that Donald Q. Franks committed or entered into that constitute the basis of your claim that Donald Q. Franks is indebted to you, your principal, or assignor.

13. Please state whether Donald Q. Franks contracted or agreed for payment for goods or services with Unifund UCR Partners or some other person or entity. If affirmative, please state with whom there was contract or agreement with and the place of the transaction that constitutes the basis of your claim against Donald Q. Franks.

14. Please state with specificity each and every date upon which you have provided

any form of notice by any means, written, telephonic, or by other media to Donald Q. Franks of his indebtedness to you, your principal, or your assignor.

15. Please state whether you have ever received any document, note, record, correspondence, other writing or other media that you contend originated with Donald Q. Franks that bears any relationship whatsoever to the claim made in your Complaint against Donald Q. Franks. If affirmative, who has possession of these writings or other media, and please state the name, address, and telephone number of any person that you claim has possession of these writings or other media.

16. Do you have in your possession or are you aware of any third parties that provided goods and/or services to Donald Q. Franks that constitute the basis of your claim against Donald Q. Franks?

17. If your answer to question 16 is in the affirmative, please state the name, address, and telephone number of each of the third parties that provided the goods or services to Donald Q. Franks.

18. Why is Donald Q. Franks indebted to you, your principal or assignor?

20. Are there any third parties that you are aware of that had any relationship or dealings with or transactions with other than Donald Q. Franks who purchased goods or services on behalf of Donald Q. Franks from you, your principal or assignor?

21. Do you contend that Donald Q. Franks has made any payments on any balance owed that is the subject matter of your Complaint against Donald Q. Franks? If affirmative, please state the date of each payment, the amount of each payment and the name and address and telephone number or any person or entity to whom the payment was allegedly made?

22. Do you contend that Donald Q. Franks had an agent or assignee to whom he

authorized to make purchases or charges for goods or services from you, your principal, or assignor? If so, how was this authority of Donald Q. Franks communicated to you or your principal or assignor? If so, please state with specificity the date or dates that you, your principal or assignor received notification of this authority granted by Donald Q. Franks. To whom did Donald Q. Franks communicate this granting of authority to you, your principal, or assignor? If so, please state the identity of the person or entity that your contend acted under the authority or Donald Q. Franks, his agent, or principal, or assignee or assignor? Please include in your answer the name, address, and telephone number of the person to whom the authority was granted to permit the purchasing or charging of goods or services, and further the name of the person or entity who received the notice from Donald Q. Franks, and the method that his was communicated to you, your principal, or agent.

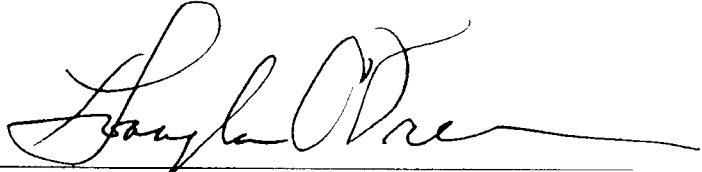
23. Please state the names, addresses and telephone numbers of all witnesses whom you intend to call for any purpose in the trial of this cause.

29. Have you been advised that your answers are made under oath, may be used as material testimony in the event of a trial or hearing, and must be updated if your foregoing responses change?

WHEREFORE take notice you are obligated to answer these interrogatories and produce your sworn answers at the office of the undersigned counsel within fourteen (14) days of your

receipt of this document, or within the time directed by the Court.

Respectfully submitted this the 6th day of Nov., 2006.

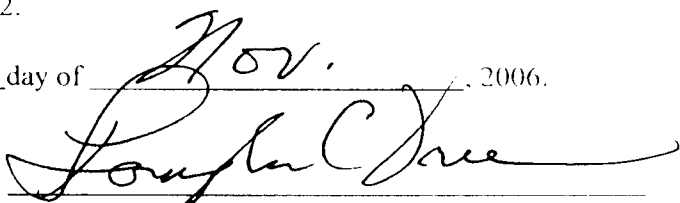


Douglas C. Freeman (FRE021)
Attorney for the Defendant
5281 Vaughn Road
Montgomery, Alabama 36116-1104
(334) 264-2000

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the "Defendant's First Set of Interrogatories" on Hon. Wendy Z. Johnston, the Plaintiff's attorney, addressed as follows: Zarzaur & Schwartz, PC, P.O. Box 11366, Birmingham, AL 35202.

Done this the 6th day of Nov., 2006.



Douglas C. Freeman
Attorney for Defendant

**IN THE DISTRICT COURT OF
MONTGOMERY COUNTY, ALABAMA
CIVIL DIVISION**

**UNIFUND CCR PARTNERS
PLAINTIFF**

V.

**DONALD FRANKS
DEFENDANT**

V.

**MARCHANDA LEE FRANKS
THIRD PARTY DEFENDANT**

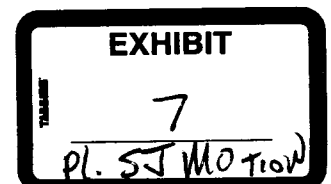
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CASE NO. DV-2006-2075

**DEFENDANT'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS FROM PLAINTIFF**

COMES NOW the Defendant, by and through counsel, and requests production of documents from the Plaintiff as follows:

1. Any and all documents, statements, correspondence, contracts, writings of any kind, sort, nature or description or other media whatsoever in your possession which bears the signature or name of Donald Q. Franks or any identifying information of any kind that you contend supports and/or proves and/or justifies your claim against Donald Q. Franks in the Complaint in this action.
2. Any and all documents or exhibits you intend to introduce at the trial now scheduled for January 29, 2007.
3. Any and all records, correspondence, writings of any kind, or media of any kind which reflect, touch on, or pertain to your claim against Donald Q. Franks.



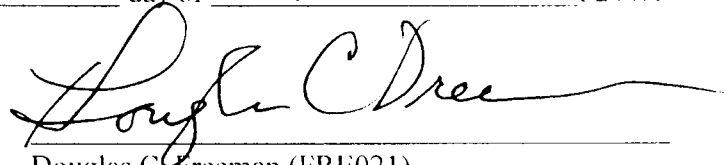
4. Any and all records, correspondence, writings of any kind, or media of any kind which reflect, touch on, or pertain to your providing notice of any kind to Donald Q. Franks of the alleged account that you allege in your Complaint that constitutes a basis of any kind, description or nature.

5. Any and all records, correspondence, writings of any kind, or media of any kind which reflect, touch on, or pertain to any payment made by any person or entity on the account that you allege in your Complaint that Donald Q. Franks is indebted to you, or any assignor that did have an interest in this lawsuit.

6. Any and all records, correspondence, writings of any kind, or media of any kind which reflect, touch on, or pertain to the assignment of the alleged debt by any person or entity that you contend is the subject of this lawsuit.

WHEREFORE take notice you are obligated to produce legible copies of the original records of the foregoing at the office of the undersigned counsel within fourteen (14) days of your receipt of this document.

Respectfully submitted this the 6th day of Nov., 2006.

A handwritten signature in black ink, reading "Douglas C. Freeman", written over a horizontal line.

Douglas C. Freeman (FRE021)
Attorney for the Defendant
5281 Vaughn Road
Montgomery, Alabama 36116-1104
(334) 264-2000

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the "Defendant's First Request for Production of Documents From Plaintiff" on Hon. Wendy Z. Johnston, the Plaintiff's attorney, addressed as follows: Zarzaur & Schwartz, PC, P.O. Box 11366, Birmingham, AL 35202.

Done this the 6th day of Nov, 2006.

A handwritten signature in black ink, appearing to read "Douglas C. Freeman", written over a horizontal line.

Douglas C. Freeman
Attorney for Defendant

EDWARD M. WAYLAND
COUNSELOR AT LAW

P.O. Box 17
492 SOUTH COURT STREET
MONTGOMERY, ALABAMA 36101
(334) 834-9901

(334) 264-8742 Fax

E-mail edwayland@yahoo.com

January 10, 2007

Wendy Z. Johnston, Esq.
Zarzaur & Schwartz, PC
P.O. Box 11366
Birmingham, AL 35202

Re: Unifund CCR Partners v. Donald Franks
Montgomery County District Court
Case No. DV-2006-2075

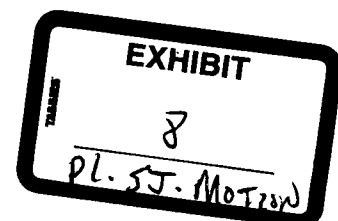
Dear Ms. Johnston:

I am just writing to confirm our conversation of last Friday.

On Thursday, January 4, 2007, I filed my notice of appearance in the above case. On that same day, I mailed you a copy of the notice of appearance along with a letter asking about the status of the discovery requests which were served on you on November 6, 2006 by Mr. Franks's previous counsel. I noted that I had written to you on December 7, 2006 and asked that you forward your responses to me when they were ready. I pointed out that the responses had still not been sent out and that I had not received any response to my December 7 letter. I asked you to give me a call so that we could discuss this situation.

On Friday, January 5, 2007, you called me after receiving my letter. You advised me that you had been trying since October to obtain the documents which you needed in order to comply with the discovery requests. You said that this was difficult, as you had to get them from Providian, the original creditor on this account, and they were well-known for being very slow about supplying information about these accounts and the supporting documents. You said that you expected to receive the information "any day." You said that as soon as you received it, you would prepare your responses and send them out.

I agreed that we would take no further action for the time being in the hope that the responses would be coming soon. We discussed the fact that the trial is scheduled for February 9, and so we are running out of time. You agreed to call me on January 16 if the responses have not been sent out before then so that we could discuss what steps we should take about this.



Wendy Z. Johnston, Esq.

January 10, 2007

Page 2

Please let me know right away if you think that anything I have said in this letter is not an accurate description of our conversation and the events which led up to it.

I appreciate very much your courtesy in calling me after you got my January 4 letter and your cooperation in working with me to resolve this problem.

Sincerely Yours,

Edward M. Wayland

cc: Mr. Donald Franks



January 18, 2007

Edward M. Wayland
P.O. Box 17
Montgomery, AL 36101

RE: UNIFUND CCR PARTNERS
vs
DONALD Q FRANKS
Our File No: 06-11390-0 TM1
Docket No.: DV06-2075

Dear Mr. Wayland:

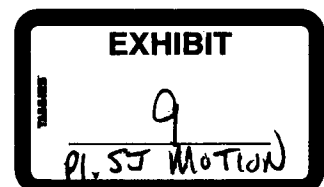
Per our conversation of January 5, 2006, I am writing to inform you that I am dismissing the above matter with prejudice. We have not received the documentation you requested as of today and I agreed to the above terms. You should receive the motion in the next day. Please let me know if you have any questions.

Sincerely,

Zarzaur & Schwartz, P.C.

Wendy Z Johnston

WAZ/



~~THE DEBT COLLECTOR IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION~~
OBTAINED WILL BE USED FOR THAT PURPOSE.
P.O. Box 11366 • Birmingham, Alabama 35202-1366

IN THE DISTRICT COURT OF MONTGOMERY COUNTY, ALABAMA

UNIFUND CCR PARTNERS

Plaintiff,

v.

DONALD Q FRANKS

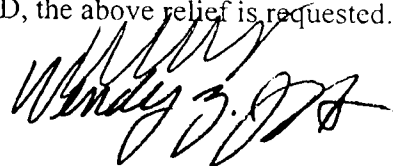
Defendant,

Case No: DV06-2075

MOTION TO DISMISS

Comes now the Plaintiff by and through their attorney of record, Wendy Z Johnston, requests this Honorable Court to dismiss, Donald Q Franks in the above styled matter, "with prejudice", with costs taxed as paid.

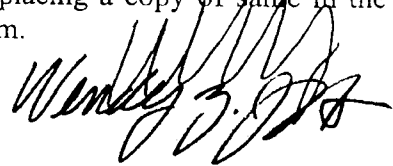
WIIEREFORE, PREMISES CONSIDERED, the above relief is requested.



Wendy Z Johnston ZAR004
Attorney for the Plaintiff
P.O. Box 11366
Birmingham, AL 35202
205 250-8437

CERTIFICATE OF SERVICE

I hereby certify that I have on this 29th day of January, 2007, served a copy of the above and foregoing Motion to Dismiss on the Defendant, Pro Se, Donald Q Franks, 4223 Matterhorn Ct, Montgomery, Alabama 36116, by placing a copy of same in the United States mail, postage prepaid and properly addressed to them.



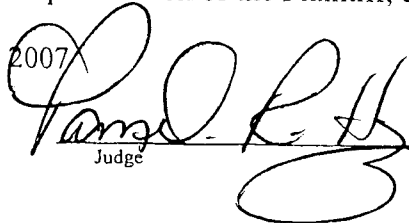
Wendy Z Johnston ZAR004

OUR FILE NO: 06-11390-0

ORDER

Donald Q Franks is dismissed with prejudice upon Motion of the Plaintiff, costs taxed as paid.

Done this the 31st day of January, 2007


Judge

EXHIBIT

10
Pl. ST Motion

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

DONALD FRANKS,

Plaintiff,

V.

UNIFUND CCR PARTNERS.

Defendant.

CASE NO.: 2:07CV352-MEF

DEFENDANT'S INITIAL DISCLOSURES

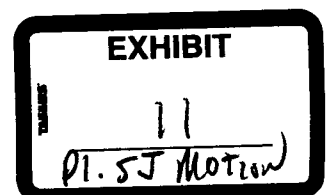
Unifund CCR Partners (the “Defendant”) makes the following initial disclosures pursuant to Rule 26 of the Federal Rules of Civil Procedure:

A. The Defendant believes the following persons may have discoverable information regarding the matters relevant to the Defendant's defenses in this lawsuit:

Jeff Shaffer
Vice President of Legal Operations
Unifund CCR Partners
10625 Techwoods Circle
Cincinnati, Ohio 45242

Angela Freckman
Legal Liaison
Unifund CCR Partners
10625 Techwoods Circle
Cincinnati, Ohio 45242

B. The Defendant will make available for review any documents it has in its possession, custody or control that may be used to support its contentions with respect to any significant factual issue in the case, to the extent it has not already produced such documents. These documents include, but are not limited to:



1. Credit Reports.
2. Available account statements.
3. Available payment histories.
4. Available affidavits from the Defendant's predecessor in interest, Providian Bank.
5. Available reports evidencing the timing and amount of payments from the Plaintiff.

C. The Defendant is not seeking any damages at this time. The Defendant reserves all rights, claims and defenses and will supplement this disclosure if it subsequently seeks damages.

D. The Defendant does not believe that there will be an insurance agreement in which any person carrying on an insurance business may be liable to satisfy part or all of a judgment that may be entered in the adversary proceeding.

The Defendant hereby gives notice that it intends to rely upon such other supplemental disclosures that may become available or apparent during the course of discovery and thus reserves the right to amend its Initial Disclosures accordingly.

Respectfully submitted this the 6th day of July, 2007.

/s/ Chris Hawkins

Chris Hawkins

BRADLEY ARANT ROSE & WHITE LLP

One Federal Place

1819 Fifth Avenue North

Birmingham, Alabama 35203-2104

Telephone: (205) 521-8000

Facsimile: (205) 521-8500

CERTIFICATE OF SERVICE

The undersigned hereby certifies this 6th day of July, 2007, that a copy of the foregoing was delivered via ECF electronic filing and via United States Mail, postage prepaid, to the following:

Edward M. Wayland, Esq.
Post Office Box 17
Montgomery, Alabama 36101

/s/ Chris Hawkins
Chris Hawkins

RESPONSES TO INTERROGATORIES

INTERROGATORY NUMBER 1:

State the name, work and home addresses and telephone numbers, and position of the person or persons responding hereto or providing any information used to respond hereto.

RESPONSE:

Without waiving the foregoing objections, Unifund states that the compilation of information used in responding to these interrogatories has been provided by personnel from various departments at Unifund that may have information relevant in responding to these interrogatories. These responses have been reviewed with the advice of counsel of record and are executed by Jeffrey Shaffer, Vice President of Legal Operations. Mr. Shaffer may be contacted through counsel for Unifund.

INTERROGATORY NUMBER 2:

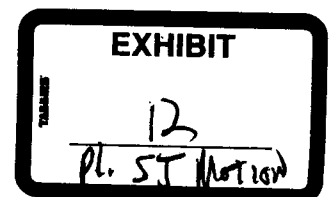
Describe in detail what Unifund does as a business.

RESPONSE:

Without waiving the foregoing objections, Unifund states that it is in the business of purchasing, selling and liquidating accounts receivable, including credit card accounts receivable.

INTERROGATORY NUMBER 3:

Explain in detail how and under what terms Unifund acquired the right to collect the sums claimed as due under the disputed credit card account. Identify the original credit card issuer on this account, identify each subsequent assignee which possessed the right to collect



sums due under this account and describe in detail the terms of each assignment. Identify all documents which contain this information.

RESPONSE:

Without waiving the foregoing objections, Unifund purchased the credit card account from Providian National Bank pursuant to a Purchase and Sale Agreement dated as of June 26, 2002 and a Bill of Sale dated June 27, 2002. Unifund has no knowledge of any other assignment of such account.

INTERROGATORY NUMBER 4:

State the total amount Unifund contends that Mr. Franks owes under the disputed credit card account. Itemize this amount showing all purchases or charges made, the date and place of each purchase or charge, and each additional charge imposed, whether for interest, late fees, or otherwise.

RESPONSE:

Without waiving the foregoing objections, Unifund states that, based on the records provided by Providian National Bank at the time of the Purchase and Sale Agreement dated as of June 26, 2002, the balance owed totaled \$3,450.86. As of August 15, 2007, the Plaintiff owes \$5,039.02, including principal and interest.

INTERROGATORY NUMBER 5:

Describe in detail all actions taken by Unifund to determine whether it was Mr. Franks who owed the sums claimed as due under the disputed credit card account and whether the

amounts claimed as due were correct. Identify all documents which contain any of this information.

RESPONSE:

Without waiving the foregoing objections, Unifund relied on information transmitted to Unifund from Providian National Bank, which, on information and belief, was kept in the ordinary course of Providian National Bank's business. This information is being produced in response to the Plaintiff's Request for Production.

INTERROGATORY NUMBER 6:

With regard to each of the facts set forth in paragraphs 3 through 9 of Angela Freckman's affidavit, describe in detail the basis for Ms. Freckman's statement in that affidavit that she knew those facts to be true. Identify all documents or other sources of information which Ms. Freckman relied on in attesting to the facts in her affidavit.

RESPONSE:

See response to Interrogatory No. 5 above.

INTERROGATORY NUMBER 7:

Identify the person who notarized Angela Freckman's signature in her affidavit.

RESPONSE:

Autumn Hopkins, who may be contacted through counsel for Unifund.

INTERROGATORY NUMBER 8:

Describe the procedures used by Unifund to determine that the person from whom payment is sought is the person who actually owes the money and that the amount being claimed is the correct amount. Identify any documents which contain any of this information.

RESPONSE:

See response to Interrogatory No. 5 above.

INTERROGATORY NUMBER 9:

Identify each person who, acting on behalf of Unifund, played any role in attempting to collect money from Mr. Franks and describe in detail what each person did. Identify each document which contains any of this information.

RESPONSE:

Without waiving the foregoing objections, Wendy Johnston, of Zarzaur & Schwartz, P.C. Pursuant to Rule 33(d), attached are pleadings and correspondence related to Unifund's collection efforts with respect to Mr. Franks.

INTERROGATORY NUMBER 10:

List the dates on which any person acting on behalf of Unifund spoke with or otherwise communicated with, or attempted to communicate with, Mr. Franks, whether by letter, telephone call, or otherwise. For each such communication or attempted communication, identify the person or persons involved and describe in detail what they did. If there was a conversation, state what was said and by whom. Identify all records, documents or recordings which contain any of this information.

RESPONSE:

In addition to the general objections, Unifund objects to this interrogatory on the ground that it seeks information already known by or in the possession of the Plaintiff. Without waiving its objections, and based on documents available to Unifund, it appears that Unifund sent an FDCPA-compliant, computer-generated letter to the Plaintiff on August 23, 2002, asking the Plaintiff to pay the balance due. See also Unifund's response to Interrogatory No. 9 above.

INTERROGATORY NUMBER 11:

Explain in detail why Unifund agreed to ask the District Court to dismiss the District Court case with prejudice. Identify all documents which contain any of this information.

RESPONSE:

Without waiving the foregoing objections, Unifund, despite requests to Providian National Bank, was unable to timely procure from Providian National Bank the documents Mr. Franks had requested in discovery in the state district court lawsuit.

INTERROGATORY NUMBER 12:

State whether Unifund has ever been a party in any lawsuit other than the present action in which a claim was made based on the allegation that Unifund had violated any of the provisions of the Fair Debt Collection Practice Act, 15 U.S.C. § 1692 et seq. For each such lawsuit, state the name of the court, the style and case number of the case, and describe what happened.